

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
NORTHERN DIVISION**

SHANNON K. HOLOHAN,)	
)	
Plaintiff,)	
)	
vs.)	Case No. 2:17-cv-00053-AGF
)	
NANCY A. BERRYHILL, Deputy)	
Commissioner for Operations, Social Security)	
Administration,)	
)	
Defendant.)	

MEMORANDUM AND ORDER

This matter is before the Court on Plaintiff's application for attorney's fees under the Equal Access to Justice Act, 28 U.S.C. § 2412. Plaintiff is the prevailing party in this action challenging the decision of Defendant that Plaintiff is not disabled, as defined by the Social Security Act, and was thus not entitled to disability insurance benefits. Plaintiff seeks \$4,534.00 in attorney's fees, \$19.68 in expenses, and the \$400 filing fee. Plaintiff asks that the fees, expenses, and costs be paid to Plaintiff's counsel, pursuant to an assignment of fees executed by Plaintiff. Plaintiff has submitted documentation supporting the requested amount of fees.

Defendant responds that she does not object to the award of fees, expenses, and costs in the amounts sought, but that *Astrue v. Ratliff*, 560 U.S. 586 (2010), mandates that the award is to be paid directly to Plaintiff and may be subject to offset to satisfy any pre-existing debt that the litigant owes to the United States. Further, Defendant requests


that the Court's order reflect that the award of \$4,553.68 in fees and expenses is to be paid by the Social Security Administration and that the filing fee of \$400 is to be paid from Judgment Fund of the United States Treasury.

The Court's review of the record indicates Plaintiff is entitled to an award of fees, expenses and costs, and that the amounts sought are reasonable and properly supported. As Defendant asserts, the *Astrue v. Ratliff*, 560 U.S. 586 (2010), requires that the fees be paid directly to Plaintiff, even in light of the assignment signed by Plaintiff.

Accordingly,

IT IS HEREBY ORDERED that Plaintiff's application for attorney's fees and expenses in the amount of \$4,553.68 and the filing fee of \$400 is **GRANTED**. ECF. No. 19.

IT IS FURTHER ORDERED that said award shall be made payable to Plaintiff, with the award of attorney's fees and expenses in the amount of \$4,553.68 paid by the Social Security Administration, and the filing fee of \$400 paid from the Judgment Fund of the United States Treasury.



AUDREY G. FLEISSIG
UNITED STATES DISTRICT JUDGE

Dated on this 18th day of June, 2018.